

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WESTCHESTER FIRE INSURANCE  
COMPANY,

Plaintiff,

-against-

SOLAR OPCO, LLC, SOLAR LEASING, LLC,  
f/k/a BRIGHTERGY, LLC, and  
BRIGHTERGYSAVINGS 1, LLC,

Defendants.

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**ORDER DISMISSING  
COMPLAINT FOR LACK OF  
JURISDICTION**

21 Civ. 6232 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Westchester Fire Insurance Company, a corporation of the Commonwealth of Pennsylvania, sues Defendants, Solar Opco, LLC; Solar Leasing, LLC, formerly known as Brightergy LLC; and BrightergySavings 1, LLC. *See* Complaint ¶¶ 4–7, ECF No. 1. The alleged jurisdictional basis is diversity of citizenship, pursuant to 28 U.S.C. § 1332. *Id.* ¶ 1. Limited liability companies are deemed to be citizens of all the states in which their constituents are citizens. *See Handelsman v. Bedford Vill. Assocs. Ltd. P’ship*, 213 F.3d 48, 51 (2d Cir. 2000) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185 (1990)); *see also Americold Realty Trust v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1014 (2016) (“While humans and corporations can assert their own citizenship, other entities take the citizenship of their members.”). Plaintiff has failed to identify the members of the limited liability company and allege their citizenship.

The complaint is dismissed, with leave to replead an adequate basis of diverse citizenship no later than 30 days from this order.

SO ORDERED.

Dated: October 26, 2021  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge